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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,935	04/16/2004	Line-Ching Lu	PUSA040357	1615
23595	7590	01/12/2005	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			KING, ANITA M	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/826,935	LU, LINE-CHING	
	Examiner	Art Unit	
	Anita M. King	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 April 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-10 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 16 April 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

This is the first office action for application number 10/826,935, Hanging Device for Suitcase, filed on April 16, 2004.

Drawings

The drawings are objected to because reference number "61" in Figs. 3 and 4 does not clearly depict a handle. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informality: in line 19 of page 1, the recitation of "12" appears to be incorrect and should be --22--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 7, 9, and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claim 6, the claim is ambiguous, the recitation of "the main body has a second end" in line 2 implies that a first end was previously claimed in the parent claim of claim 6, and thus, the claim is rendered indefinite. The examiner notes that "a first end" was previously cited in claim 5 however, claim 6 depends directly from claim 1. Also, see claims 7 and 9 for the same indefiniteness.

Claim 9 recites the limitation "the mediate portion of the clamping plate" bridging lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,059,245 to Hermansen et al., hereinafter, Hermansen. Hermansen discloses a hanging device (10), comprising: a main body (20 & 40); a clamping plate (22) pivotally mounted to the main body; a receiving chamber formed between the main body and the clamping plate; a press plate (24) pivotally mounted on the main body and locked on the clamping plate to fix the clamping plate on the main body; wherein the main body has two sides each formed with a protruding flange (124 & 126); wherein the clamping plate has a second end rested on a second end of the main body and formed with a locking hook (34), the press plate has a mediate portion mounted on the locking hook of the clamping plate and formed with a locking groove (54) for locking the locking hook of the clamping plate; and wherein the press plate has a second end formed with a press portion (32) rested on the mediate portion of the clamping plate.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hermansen in view of U.S. Patent 5,742,982 to Dodd et al., hereinafter, Dodd.

Hermansen discloses the claimed invention except for the limitations of the main body and the clamping plate each having a plurality of receiving grooves. Dodd teaches a device (10) having two clamp halves (16 & 18) each having an inside formed with a plurality of receiving grooves (formed by ridges 72 and 74). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the insides of the main body and the clamping plate in Hermansen to have included a plurality of grooves as taught by Dodd for the purpose of enhancing the clamping engagement between the hanging device an object to be supported therein.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hermansen in view of U.S. Patent 6,633,749 to Kubo et al., hereinafter, Kubo. Hermansen further discloses the main body having first end formed with two spaced pivot bases (42) each formed with a pivot hole (80), the clamping plate having a first end formed with a pivot ear pivotally mounted on the spaced pivot bases of the main body, the main body having two spaced pivot seats (44) each formed with a pivot hole (82), and the press plate having a first end formed with a pivot ear pivotally mounted on the two spaced pivot seats. Hermansen discloses the claimed invention except for the limitations of clamping plate having two spaced pivot ears including wedge-shaped locking stubs, and the press plate having two spaced pivot seats including wedge-shaped locking stubs. The pivot bases and the pivot ear of the clamping plate and the pivot seats and pivot ear of the pressing plate are hinges. Kubo teaches a device (100) having a upper housing (10) and a lower housing (20) attached to each other by a hinge comprising two spaced pivot bases/seats (32a & 32c) formed on the lower housing and

each formed with a pivot hole, the upper housing has a first end formed with two spaced pivot ears (31a & 31b) each pivotally mounted on a respective one of the two spaced pivot bases of the lower housing and each formed with a wedge-shaped locking stub (33) pivotally mounted in the pivot hole of the respective pivot base/seat of the lower housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the hinge connections in Hermansen to have included the arrangement as taught by Kubo for the purpose of providing an alternative, mechanically equivalent means for pivotally attaching the clamping plate and the pressing plate to the main body.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hermansen in view of U.S. Patent 4,483,556 to LiVolsi. Hermansen discloses the claimed invention except for the limitation of press plate having an opening communicating with the locking groove. LiVolsi teaches a device comprising a clamp including a locking hook (38) on a first end and a locking groove (39) on a second end and further having an opening (37) communicating with the locking groove for receiving the locking hook. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the locking arrangement between the clamping plate and the press plate in Hermansen to have included the arrangement as taught by LiVolsi for the purpose of providing an alternative, mechanically equivalent means for interlocking the respective ends of the clamping plate and the press plate together to support an object.

Allowable Subject Matter

Claim 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 2,029,707 to Dodelin

U.S. Patent 4,897,952 to Hawie

U.S. Patent 5,098,054 to Dyer

U.S. Patent 5,259,690 to Legge

U.S. Patent 5,305,978 to Current

U.S. Patent 6,152,412 to Basickes et al.

U.S. Patent Application Publication 2002/0175253 to Sher

U.S. Patent 6,793,186 to Pedersen

Dodelin discloses a supporting bracket having pivotally attached clamping members.

Hawie discloses a hanger having a main body with clamping halves pivotally attached to each other. Dyer discloses a mounting bracket for a cylindrical article. Legge discloses a coupler having pivotally attached clamping members. Current discloses a clamp having a flexible insert for clamping a cylindrical object. Basickes et al. disclose a pipe

hanger. Sher discloses a hanger fixing seat. Pedersen discloses a clamp having pivotally attached clamping members.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anita M. King
Primary Examiner
Art Unit 3632

January 7, 2005